IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Bail Appl..No. 7720 of 2007()

CRIME NO.513/2007 OF PARASSALA POLICE STATION

PETITIONER/ACCUSED NO. 2 & 3

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1. AJIKUMAR, AGED 30 YEARS,
   S/O.NELSON, ANU BHAVAN, PULIYARA CP.NO.XII/763,
   MARIYAPURAM, CHENKAL DESOM, CHENKAL VILLAGE,
   NEYYATTINKARA.

2. NELSON, AGED 55 YEARS,
   DO. DO.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
PARASSALA POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7720 of 2007

Dated this the 14th day of December 2007

O R D E R

Application for anticipatory bail. Petitioners are accused 2 and 3. They are the father and brother of the first accused. They face allegations in a crime registered for offences punishable inter alia under Sections 366A and 376 I.P.C. The crux of the allegations is that the alleged victim, a girl, above the age of consent was allegedly kidnapped by the accused persons. They permitted her to reside along with them. While so residing with them, the first accused allegedly had sexual intercourse with the said girl. This, in short, is the allegation. Crime has been registered on the basis of a private complaint filed by the father of the girl. Investigation is in progress. The first accused had already been granted regular bail by this court as per order dated 4/12/2007 in B.A.NO.7421/2007. I have adverted to facts in detail in the said order. It is not necessary for me to advert to facts in any greater detail in this order. This order must be read in continuation of the said order.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I

am satisfied that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions which shall ensure the interests of a fair, proper and efficient investigation.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 21/12/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 22/12/2007 and 24/12/2007 and thereafter on all Mondays and Fridays between 10 a.m and 1 p.m for a period of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 21/12/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 21/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007